

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

AUSTIN DIVISION

UNITED STATES OF AMERICA

V.

ROGILIO ARIAS-CRUZ

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NO. A-20-CR-047(2)-RP

**MOTION TO WITHDRAW AS COUNSEL
AND FOR APPOINTMENT OF NEW COUNSEL**

TO THE HONORABLE ROBERT PITMAN, UNITED STATES DISTRICT JUDGE,
FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION:

NOW COMES Jose I. Gonzalez-Falla, Assistant Federal Public Defender and attorney for defendant Rogilio Arias-Cruz requesting permission to withdraw as counsel for the defendant and for the appointment of new counsel, showing the Court as follows:

1. Counsel was appointed on March 12, 2020, by United States Magistrate Judge Susan Hightower to represent defendant.

2. Counsel just became aware that an actual conflict exists between Mr. Arias-Cruz and another client of the Federal Public Defender's Office. Given counsel's continuing duty of loyalty to the former clients, a conflict exists with counsel's duty of loyalty to Mr. Arias-Cruz.

DEFENDANT REQUESTS that the Court enter an order permitting counsel to withdraw and for appointment of new counsel in this matter.

Respectfully submitted.

Maureen Scott Franco
Federal Public Defender

/s/Jose I. Gonzalez-Falla
Assistant Federal Public Defender
Western District of Texas
504 Lavaca Street, Ste. 960
Austin, Texas 78701
(512) 916-5025
(512) 916-5035 (FAX)
Bar Number: Texas 08135700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2020, I electronically filed the foregoing Motion to Withdraw as Counsel and for Appointment of New Counsel with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Mark H. Marshall
Assistant U.S. Attorney
903 San Jacinto Blvd., Ste. 334
Austin, TX 78701

/s/Jose I. Gonzalez-Falla
Attorney for Defendant

UNITED STATES DISTRICT COURT
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ORDER

On this date came on to be considered Counsel's Motion to Withdraw and the Court is of the opinion that the motion should be GRANTED. Accordingly, it is

ORDERED that Jose I. Gonzalez-Falla of the Federal Public Defender's office is permitted to withdraw as counsel of record in the above-captioned cause, and further that _____ is appointed to represent the defendant in this cause.

SIGNED this _____ day of _____, 2020.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE